

Order

Michigan Supreme Court
Lansing, Michigan

July 13, 2005

Clifford W. Taylor
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Justices

ADM File No. 2003-04

Amendment of Administrative
Order No. 1988-4

On order of the Court, Administrative Order No. 1988-4 is amended as follows, effective immediately.

[The present language is amended as indicated below by strikeover for text that is deleted.]

Administrative Order 1988-4. Sentencing Guidelines

Administrative Order 1985-2, 420 Mich lxii, and Administrative Order 1984-1, 418 Mich lxxx, are rescinded as of October 1, 1988. The Sentencing Guidelines Advisory Committee is authorized to issue the second edition of the sentencing guidelines, to be effective October 1, 1988. Until further order of the Court, every judge of the circuit court ~~and of the Recorder's Court of the City of Detroit~~ must thereafter use the second edition of the sentencing guidelines when imposing a sentence for an offense that is included in the guidelines.

~~In accordance with the directions found in the second edition of the sentencing guidelines, every judge of the circuit court and of the Recorder's Court of the City of Detroit must, not later than the date of sentencing, complete a sentencing information report on a form to be prescribed by and returned to the state court administrator. Whenever a judge of the circuit court or of the Recorder's Court of the City of Detroit determines that a minimum sentence outside the recommended minimum range should be imposed, the judge may do so. When such a sentence is imposed, the judge must explain on the sentencing information report and on the record the aspects of the case that have persuaded the judge to impose a sentence outside the recommended minimum range.~~

~~The Sentencing Guidelines Advisory Committee shall continue to analyze the data and the departure reasons provided by the judges of the circuit court and of the Recorder's Court of the City of Detroit and shall, at least annually, report to the Court the committee's evaluation of the status, effect, strengths, and weaknesses of the guidelines.~~

Staff Comment: The amendment of MCR 6.425(D), effective immediately, eliminated the requirement that the sentencing court complete a sentencing information report. Given this amendment of MCR 6.425(D), and because the judge is required to explain any departure on the record, the requirement that the judge complete a sentencing information report was also stricken from this administrative order. References to the Recorder's Court of the City of Detroit and the Sentencing Guidelines Advisory Committee were also stricken because they no longer exist.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 13, 2005 Corbin R. Davis
Clerk